

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VINCENT TREANOR,

Plaintiff,

- against -

METROPOLITAN TRANSPORTATION AUTHORITY
and LONG ISLAND RAIL ROAD,

Defendants.

Case No. 05 CV 5586

Scheindlin, J.
Freeman, M.J.

NOTICE OF MOTION

Date of Service:
Sept. 9, 2005

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Upon the Affidavit of Walter Johnson III, Esq., sworn to September 9, 2005, the exhibits annexed thereto, and the accompanying Memorandum of Law, defendant The Long Island Rail Road Company, sued herein as Long Island Rail Road, by and through its attorney, Mary Jennings Mahon, Esq., Vice President - General Counsel & Secretary, will move this Court on October ___, 2005, before the Hon. Shira A. Scheindlin for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint filed by plaintiff Vincent Treanor to recover damages for alleged (1) discrimination on the basis of disability ("alcohol and/or substance abuse") in violation of the New York State Human Rights Law and the New York City Human Rights Law; and (2) violation of the "notice requirements" of the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), 29 U.S.C. §1166.

Pursuant to the briefing schedule agreed to by the parties, opposition papers, if any, must be served on or before September 30, 2005.

Dated: Jamaica, New York
September 9, 2005

Respectfully Submitted,

MARY JENNINGS MAHON, ESQ.
Vice President-General Counsel & Secretary
Attorney for Defendant The Long Island Rail
Road Company

By: 

Walter Johnson III (WJ -9265)

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